

## **REMARKS/ARGUMENTS**

### **Introduction**

This Amendment cures a number of formal defects in the specification and drawings. No new matter is added, and the amendments are substantially the same as those made in the parent. Entry is respectfully requested.

### **The Substitute Specification**

This application is a continuation of an application whose original specification was a PCT application filed in 1995. As such, the original specification did not have paragraph numbers. In order to make amendments to the specification, it is necessary under the current rules to provide a substitute specification with the required paragraph numbers.

The substitute specification differs from the originally filed specification only in the following respects:

- Paragraph numbers have been added to facilitate the amendments to the specification;
- The caption "BACKGROUND OF THE INVENTION" has been moved ahead of paragraph [0001];
- A heading "DESCRIPTION OF SPECIFIC EMBODIMENTS" has been inserted following the section headed BRIEF DESCRIPTION OF THE DRAWINGS and just before the section headed "DESCRIPTION OF THE FIRST EMBODIMENT."

***The amendments set forth in this Amendment are not reflected in the substitute specification.***

### **Amendments to the Substitute Specification**

Amendments to the specification are being made to better distinguish between the tools 523a, 523b, 534, 546, 549, and 553 and the routines 520, 521, 532, 544, 548, and 552 that generate these tools. No new matter is being added since these are simply clarifying amendments that would be obvious to a person skilled in the art.

The specification is further being amended to clarify that the data formatted for display by the formatting routine 520 also formats the images 533 and 547 in Figs. 25 and 27. No new matter is being added since this would be obvious to a person skilled in the art.

The specification is also being amended to clarify that data representing the regions 568 (previously labeled 567) of the 2D FFT image 562 is inverse transformed and the sum of the inverse transformed data is the image data for the image 567. And, the specification is being amended to make clear that the inverse transform data for a region or peak changes when the control panel 564 is manipulated. This would be obvious to a person skilled in the art and therefore no new matter is being added.

Furthermore, the specification is being amended to properly identify the masks 705a, 706a, 709a, and 711a and the corresponding images 704a, 707a, 708a, and 710a of Figure 24. In doing so, the specification is also being amended to clarify that the image 704a with the corresponding FFT image 705a is the original image 704a and the resulting image 712a is the sum of the inverse images 707a, 708a, and 710a. Once again, a person skilled in the art would recognize this as being obvious. Therefore, no new matter is being introduced.

Finally, the remaining amendments to the specification are being made to cure grammatical, labeling, identification, clarity, and syntax errors. Since these are errors that would be obvious to a person skilled in the art, no new matter is being added.

#### Amendments to the Drawings

FIGS. 1, 9, 11, 16, 17b, 17c, 18, 22, 25, and 30 are being amended. These amendments are substantially identical to amendments made in the parent application, and indeed the replacement sheets of drawings are copies of the formal drawings filed in the parent application.

In the parent, the Examiner objected to figures 1, 11, 16, and 19 because they had unlabeled blocks. Applicant has amended these figures so that these blocks are properly labeled.

Figures 1, 11, 16, 17b, 17c, 18, 22, and 30 are being amended to cure labeling errors and/or to be consistent with the corresponding amendments being made to the

specification. No new matter is being introduced with these amendments. No new matter is being introduced with these amendments.

In addition, Figures 1, 11, 16, and 18 are also being amended to include the hardness testing routine 195 mentioned in the original specification on pages 21 to 23. These figures are also being amended to indicate that there are multiple display routines 136 as shown in Figure 22 and mentioned on page 35, lines 15 and 16. Thus, no new matter is being introduced with these amendments.

Figure 9 is being amended to correct a misspelling of the word "MEASUREMENT," and therefore does not add new matter.

Original Figures 17b and 17c are being re-labeled as Figures 17c and 17b, respectively, to be consistent with the specification. For the same reason, reference numerals 312 and 322 are being switched in re-labeled Figures 17c and 17b. Therefore, no new matter is being introduced with these amendments.

Figure 22 is being amended to provide the proper reference numeral for the display routines 136. This figure is also being amended to be consistent with corresponding amendments being made to the specification (and described below) by properly naming the various routines 520, 521, 532, 544, 548, 552, and 560. No new matter is therefore being introduced with these amendments.

Figure 25 is being amended to replace the reference numeral "534" with --537-- so that it is consistent with the specification. No new matter is therefore being introduced with this amendment.

Finally, Figure 30 is being amended to properly identify the image 562. This figure is also being amended to be consistent with corresponding amendments being made to the specification (and described above) to re-label the region 567 as region 568. Thus, confusion is avoided with the image 567 of Figure 33. No new matter is being introduced with these amendments.

Appl. No. 10/047,454  
Amdt. dated January 19, 2006  
Response to Notice of Allowance October 25, 2005

PATENT

**CONCLUSION**

Entry of this amendment is respectfully urged since it merely cures formal defects in the specification and does not touch the merits.

Respectfully submitted,



David N. Slone  
Reg. No. 28,572

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
Attachments

DNS:vap

60676696 v1

**Amendments to the Drawings:**

FIGS. 1, 9, 11, 16, 17b, 17c, 18, 22, 25, and 30 are being amended. These amendments are substantially identical to amendments made in the parent application, and indeed the replacement sheets of drawings are copies of the formal drawings filed in the parent application.

The attached 37 sheets of drawings includes changes to FIGS. 1, 9, 11, 16, 17b, 17c, 18, 22, 25, and 30.

These 37 sheets, which include FIGS. 1, 2a-2c, 3a-3c, 4a-4b, 5-6, 7a-7b, 8a-8d, 9, 10a-10b, 11, 12—12b, 13-16, 17a-17c, 18, 19a-19b, 20-22, 23a-23c, 24-37 replace the original 37 sheets including the same figures

Attachment: 37 Replacement Sheets